

MICHAEL E. STOBERSKI, ESQ.  
Nevada Bar No. 004762  
OLSON CANNON GORMLEY & STOBERSKI  
9950 West Cheyenne Avenue  
Las Vegas, NV 89129  
[mstoberski@ocgas.com](mailto:mstoberski@ocgas.com)  
T: (702) 384-4012  
F: (702) 383-0701  
Attorneys for Defendant  
*Signature Real Estate Group*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

IN RE: Teresa Renita Burwell,  
  
Debtor,  
Teresa Renita Burwell,  
  
Plaintiff,  
  
Signature Real Estate Group,  
  
Southern Nevada Eviction Services,  
  
Amberlea Davis, Bar No. 11551,  
  
Defendants.

BK NUMBER: 23-12054-MKN  
CHAPTER 13

Adversary Proceeding No. 23-01129-mkn

**DEFENDANT SIGNATURE REAL  
ESTATE GROUP'S ANSWER TO  
DEBTOR'S ADVERSARY COMPLAINT  
FOR EXPEDITED RELIEF DUE TO  
UNLAWFUL EVICTION IN  
VIOLATION OF THE AUTOMATIC  
STAY PURSUANT TO 11 USC 362**

COMES NOW Defendant SIGNATURE REAL ESTATE GROUP, by and through its attorney of record, MICHAEL E. STOBERSKI, ESQ. of the law firm of OLSON CANNON GORMLEY & STOBERSKI, and for its answer to Plaintiff's Complaint on file herein, admits, denies and alleges as follows:

**I-JURISDICTION**

1. Answering Paragraphs 1, 2, 3, 4 and 5 of Plaintiff's Complaint, this answering Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and for that reason, must deny them.

**II BACKGROUND FACTS**

2. Answering Paragraphs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Plaintiff's Complaint, this answering Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and for that reason, must deny them.

**III COUNT I**

**VIOLATION OF THE AUTOMATIC STAY PURSUANT TO BANKRUPTCY CODE**  
**11 USC&362**

3. Answering Paragraph 41 of Plaintiff's Complaint, Defendant repeats, realleges and incorporates herein by reference, as though fully set forth, its answers to paragraphs 1 through 2.

4. Answering Paragraphs 41 [sic] and 42 of Plaintiff's Complaint, this answering Defendant denies each and every allegation contained therein.

5. Answering Paragraph 43 of Plaintiff's Complaint, this answering Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations and for that reason, must deny them.

**IV DAMAGES**

6. Answering all Paragraphs in this section of Plaintiff's Complaint, this answering Defendant denies each and every allegation contained therein.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim against this answering Defendant upon which relief can be granted.

///

**SECOND AFFIRMATIVE DEFENSE**

At all times, this answering Defendant acted in good faith and in a lawful manner towards the Plaintiff.

**THIRD AFFIRMATIVE DEFENSE**

The Plaintiff has suffered no legal recognizable harm or damage as a result of the alleged acts of this answering Defendant.

**FOURTH AFFIRMATIVE DEFENSE**

This answering Defendant alleges that the Plaintiff failed to mitigate her damages.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant has performed every legal duty, if any such duty existed, toward Plaintiff.

**SIXTH AFFIRMATIVE DEFENSE**

To the extent Plaintiff suffers from various personal injuries, they were preexisting injuries.

**SEVENTH AFFIRMATIVE DEFENSE**

The damages, which are alleged to have been incurred by the Plaintiff, if any, were the direct result in whole or in part, of the Plaintiff's own intentional, willful and/or negligent acts and deeds.

**EIGHTH AFFIRMATIVE DEFENSE**

The occurrence referred to in the Complaint, and all injuries and damages, if any, resulting therefrom were caused by the acts or omissions of a third party or third parties over whom this answering Defendant had no control.

///

///

**NINTH AFFIRMATIVE DEFENSE**

That the damage sustained by Plaintiff, if any, was caused by the acts of third persons who were not acting as agents, servants, or employees of this answering Defendant and who were not acting on behalf of this answering Defendant in any manner or form and as such, this answering Defendant is not liable in any manner to Plaintiff.

**TENTH AFFIRMATIVE DEFENSE**

The Plaintiff has suffered no legal recognizable harm or damage as a result of the alleged acts of this answering Defendant.

**ELEVENTH AFFIRMATIVE DEFENSE**

The occurrence referred to in the Complaint, and all injuries and damages, if any, resulting therefrom were caused by the acts or omissions of a third party or third parties over whom this answering Defendant had no control.

**TWELFTH AFFIRMATIVE DEFENSE**

Plaintiff's damages, if any, were proximately caused and contributed to, in whole or in part, by the acts or omissions of the other named defendants; wherefore any fault assigned in this case must be divided between the defendants so that each defendant pays only his, her, or its own share.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Pursuant to FRCP 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Plaintiff's Complaint, and therefore, this answering Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent investigation so warrants.

WHEREFORE, Defendant prays for judgment as follows:

1. That the Plaintiff take nothing by reason of her Complaint on file herein;
2. For all attorneys' fees incurred in the defense of Plaintiff's Complaint;
3. For costs and disbursements incurred herein; and
4. For such other and further relief as the Court may deem proper.

DATED this 29<sup>th</sup> day of November, 2023.

OLSON CANNON GORMLEY & STOBERSKI

*/s/ Michael E. Stoberski, Esq.*

---

MICHAEL E. STOBERSKI, ESQ.

Nevada Bar No: 004762

9950 W. Cheyenne Avenue

Las Vegas, Nevada 89129

Attorneys for Defendant

*Signature Real Estate Group*

*Law Offices of*  
**OLSON CANNON GORMLEY & STOBERSKI**  
*A Professional Corporation*  
9950 West Cheyenne Avenue  
Las Vegas, Nevada 89129  
(702) 384-4012 Fax (702) 383-0701

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of November, 2023, I sent a true and correct copy of the above and foregoing **DEFENDANT SIGNATURE REAL ESTATE GROUP'S ANSWER TO DEBTOR'S ADVERSARY COMPLAINT FOR EXPEDITED RELIEF DUE TO UNLAWFUL EVICTION IN VIOLATION OF THE AUTOMATIC STAY PURSUANT TO 11 USC 362** to the parties listed below via the Bankruptcy Court's e-filing system and/or United States Mail:

Teresa Renita Burwell  
9344 Vista Waters Lane  
Las Vegas, NV 89178  
Debtor/Plaintiff in *pro per*

Southern Nevada Eviction Services  
501 Sixth St.  
Las Vegas, NV 89101  
Defendant

  
An Employee of OLSON CANNON GORMLEY & STOBERSKI

Low Offices of  
**OLSON CANNON GORMLEY & STOBERSKI**  
A Professional Corporation  
9950 West Cheyenne Avenue  
Las Vegas, Nevada 89129  
(702) 384-4012 Fax (702) 383-0701